

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

Form 14. Motion for Extension of Time

Instructions for this form: <http://www.ca9.uscourts.gov/forms/form14instructions.pdf>

9th Cir. Case Number(s) 23-35479

Case Name Daniel Azzopardi, et al. v. Ellen Rosenblum, et al.

Requesting Party Name(s) All Plaintiff-Appellants

I am: ☐ The party requesting the extension.
☒ Counsel for the party or parties requesting the extension.

I request an extension of time to file a:

- ☒ Brief (you **must** also complete the Declaration on page 3)
☐ Motion to proceed in forma pauperis
☐ Motion for a certificate of appealability
☐ Response/opposition to a pending motion
☐ Reply to a response/opposition to a pending motion
☐ Certified Administrative Record
☐ Response to court order dated
☐ Other (you **must** describe the document)

The requested new due date is: January 3, 2024

I request the extension of time because (**cannot be left blank**):

(attach additional pages if necessary)

Since we sought our streamlined extension of time, these cases have been consolidated with two others others. Counsel for the other plaintiffs have indicated they intend to seek a streamlined extension of time on their brief, and extending our deadline 30 days is necessary to keep the briefing schedule of all the parties aligned.

Signature s/James L. Buchal

Date Nov 27, 2023

(use "s/[typed name]" to sign electronically-filed documents)

Feedback or questions about this form? Email us at forms@ca9.uscourts.gov

Recitals in criminal and immigration cases pursuant to Circuit Rule 27-8

Complete this section for criminal or immigration cases.

Previous requests for extension of time to file the document, including any request for a Streamlined Extension of Time under Circuit Rule 31-2.2(a) (*select one*):

- ☐ I have **NOT** filed a previous request to extend time to file the document.
- ☒ I have previously requested an extension of time to file the document.

This motion is my request.

(Examples: first, second)

Bail/detention status (*select one*):

- ☐ The defendant is incarcerated. The projected release date is: .
- ☐ The petitioner is detained.
- ☐ The defendant/petitioner in this criminal/immigration case is at liberty.

Signature

Date

(use "s/[typed name]" to sign electronically-filed documents)

Declaration in support of extension to file brief under Circuit Rule 31-2.2(b)
Complete this section if you are requesting an extension of time to file a brief.

1. I request an extension of time to file the opening brief.

(Examples: opening, answering, reply, first cross-appeal)

2. The brief's current due date is: December 4, 2023

3. The brief's first due date was: October 25, 2023

4. A more detailed explanation of why the extension of time to file the brief is necessary: *(Under Circuit Rule 31-2.2(b), a request for extension of time to file a brief must be "supported by a showing of diligence and substantial need" and a conclusory statement as to the press of business does not constitute such a showing. Attach additional pages if necessary.)*

See Attachment 1.

5. The position of the other party/parties regarding this request is:

☒ Unopposed.

☐ Opposed by *(name of party/parties opposing this motion)*:

☐ Unknown. I am unable to verify the position of the other party/parties because:

6. ☒ The court reporter is not in default with regard to any designated transcripts.

If the court reporter is in default, please explain:

7. ☒ I have exercised diligence and I will file the brief within the time requested.

I declare under penalty of perjury that the foregoing is true and correct.

Signature s/James L. Buchal

Date Nov 27, 2023

(use "s/[typed name]" to sign electronically-filed documents)

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Attachment 1

Counsel for Plaintiffs has been diligent in prosecuting this appeal, which has had its briefing schedule reset following this Court's decision to consolidate it with three others arising from the same district court decision and raising overlapping issues. I am counsel in two of the appeals, *Fitz v. Rosenblum* (No. 23-35478) and *Azzopardi v. Rosenblum* (No. 23-35479). I was granted a streamlined extension of time in both cases before this court ordered them consolidated with two others. Plaintiffs' counsel for the other two appeals have informed me that they will be taking a streamlined extension of time for their opening briefs, and extending the time for the opening briefs in *Fitz* and *Azzopardi* is necessary to keep the briefing schedules aligned in this consolidated case.